

REMARKS

Pending in the application are claims 1-5 and 7-12, of which claims 1 and 10-12 are independent. The following comments address all stated grounds for rejections and place the presently pending claims, as identified above, in condition for allowance.

Patentable Subject Matter

Claims 1-5, 7-10 and 12 are allowed. Applicants appreciate the Examiner's passing the claims to allowance.

Claim Rejections- U.S.C. §102

Claim 11 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0041989 ("Shimanuki"). Applicants respectfully traverse the rejection for the following reasons.

Applicants submit a verified English translation of corresponding Japanese priority application of the pending application to rely upon the earlier filing date of the corresponding Japanese priority application. The corresponding Japanese priority application was filed in Japan before the U.S. filing date of the Shimanuki reference. In light of this, Applicants submit that the Shimanuki reference is not qualified as a prior art reference to reject claim 11 under 35 U.S.C. §102(e). Applicants therefore request the Examiner reconsider and withdraw the rejection of claim 11 under 35 U.S.C. §102(e) and pass the claim to allowance.


Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly the Examiner is respectfully requested to pass this application to issue. If there are any remaining issues or questions, we invite the Examiner to call Applicants' representative at the telephone number listed below.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. IIW-014 from which the undersigned is authorized to draw.

Dated: February 1, 2005

Respectfully submitted,

By 

Anthony A. Laurentano

Registration No.: 38,220

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney/Agent For Applicant